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10 ONE CLICK ENTERPRISES 1, INC.
and IGOR ZOMIN, JR.

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12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 OTTER PRODUCTS, LLC,

16
17 Plaintiff,

18 v.

19
20 ONE CLICK ENTERPRISES 1, INC.
and IGOR ZOMIN, JR.,

21
22 Defendants.

) CASE NO.: CV 12-04193 SJO (SHx)

) **ANSWER AND AFFIRMATIVE**
) **DEFENSES OF DEFENDANTS**

) **ONE CLICK ENTERPRISES 1, INC.**

) **AND IGOR ZOMIN, JR. TO**

) **PLAINTIFF'S COMPLAINT**

) **DEMAND FOR JURY TRIAL**
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1 Defendants One Click Enterprises 1, Inc. ("One Click") and Igor Zomin, Jr.
2 ("Zomin") ("Collectively referred to as "Defendants" unless each is referred to
3 individually"), by and through their undersigned attorneys, answers and asserts
4 affirmative defenses to Plaintiff's Complaint, and respectfully alleges as follows:

5 1. Defendants are without knowledge or information sufficient to form a
6 belief as to the truth of the allegations of Paragraph 1,

7 2. Defendant One Click denies the truth of the allegations of Paragraph 2.

8 3. Defendant Zomin denies the truth of the allegations of Paragraph 3.

9 4. Defendants deny the allegations of Paragraph 4.

10 5. Defendants are without knowledge of information sufficient to form a
11 belief as to the truth of the allegations of Paragraph 5.

12 6. Defendants deny the truth of the allegations of Paragraph 6.

13 7. Defendants deny of the truth of the allegations of Paragraph 7.

14 8. Defendants deny the truth of the allegations contained in Paragraph 8,
15 except admit that the Plaintiff purports to allege jurisdiction under 15 U.S.C 1121
16 and/or 28 U.S.C 1331 and/or 1338.

17 9. Defendants deny the truth of the allegations of Paragraph 9.

18 10. Defendants deny the truth of allegations of Paragraph 10.

19 11. Defendants deny the truth of the allegations of Paragraph 11.

20 12. Defendants deny having knowledge or information sufficient to form a
21 belief as to the truth of the allegations of Paragraph 12.

22 13. Defendants deny having knowledge or information sufficient to form a
23 belief as to the truth of the allegations of Paragraph 13.

24 14. Defendants deny having knowledge or information sufficient to form a
25 belief as to the truth of the allegations of Paragraph 14.

26 15. Defendants deny having knowledge or information sufficient to form a
27 belief as to the truth of the allegations of Paragraph 15.

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1 16. Defendants deny having knowledge or information sufficient to form a
2 belief as to the truth of the allegations of Paragraph 16.

3 17. Defendants deny having knowledge or information sufficient to form a
4 belief as to the truth of the allegations of Paragraph 17.

5 18. Defendants deny having knowledge or information sufficient to form a
6 belief as to the truth of the allegations of Paragraph 18.

7 19. Defendants deny having knowledge or information sufficient to form a
8 belief as to the truth of the allegations of Paragraph 19.

9 20. Defendants deny having knowledge or information sufficient to form a
10 belief as to the truth of the allegations of Paragraph 20.

11 21. Defendants deny having knowledge or information sufficient to form a
12 belief as to the truth of the allegations of Paragraph 21.

13 22. Defendants deny having knowledge or information sufficient to form a
14 belief as to the truth of the allegations of Paragraph 22.

15 23. Defendants deny having knowledge or information sufficient to form a
16 belief as to the truth of the allegations of Paragraph 23.

17 24. Defendants deny the truth of the allegations of Paragraph 24.

18 25. Defendants deny the truth of the allegations of Paragraph 25.

19 26. Defendants deny the truth of the allegations of Paragraph 26.

20 27. Defendants deny having knowledge or information sufficient to form a
21 belief as to the truth of the allegations of Paragraph 27.

22 28. Defendants deny having knowledge or information sufficient to form a
23 belief as to the truth of the allegations of Paragraph 28.

24 29. Defendants deny the truth of the allegations of Paragraph 29.

25 30. Defendants deny the truth of the allegations of Paragraph 30.

26 31. Defendants deny the truth of the allegations of Paragraph 31.

27 32. Defendants deny the truth of the allegations of Paragraph 32.

28 33. Defendants deny the truth of the allegations of Paragraph 33.

1 34. Defendants deny having knowledge or information sufficient to form a
2 belief as to the truth of the allegations contained in Paragraph 34.

3 35. Defendants repeat and re-allege each and every denial as set forth
4 above in response to Paragraph 35.

5 36. Defendants deny the truth of the allegations of Paragraph 36.

6 37. Defendant denies the truth of the allegations of Paragraph 37.

7 38. Defendants deny the truth of the allegations of Paragraph 38.

8 39. Defendants deny the truth of the allegations of Paragraph 39.

9 40. Defendants deny the truth of the allegations of Paragraph 40.

10 41. Defendants repeat and re-allege every denial as set forth above in
11 response to Paragraph 41.

12 42. Defendants deny the truth of the allegations of Paragraph 42.

13 43. Defendants deny the truth of the allegations of Paragraph 43.

14 44. Defendants deny the truth of the allegations of Paragraph 44.

15 45. Defendants repeat and re-allege each and every denial set forth above
16 in response to Paragraph 45.

17 46. Defendants deny the truth of the allegations of Paragraph 46.

18 47. Defendants deny the truth of the allegations of Paragraph 47.

19 48. Defendants deny the truth of the allegations of Paragraph 48

20 49. Defendants deny the truth of the allegations of Paragraph 49.

21 50. Defendants deny the truth of the allegations of Paragraph 50.

22 51. Defendants repeat and re-allege every denial set forth above in
23 response to Paragraph 51.

24 52. Defendants deny the truth of the allegations of Paragraphs 52.

25 53. Defendants deny the truth of the allegations of Paragraph 53

26 54. Defendants deny the truth of the allegations of Paragraph 54.

27 55. Defendants deny the truth of the allegations of Paragraph 55.

28 56. Defendants deny the truth of the allegations of Paragraph 56.

1 57. Defendants deny the truth of the allegations of Paragraph 57.

2
3 **AFFIRMATIVE DEFENSES**

4 **FIRST AFFIRMATIVE DEFENSE**

5 58. The Complaint fails to state a claim upon which relief may be granted.

6 **SECOND AFFIRMATIVE DEFENSE**

7 59. The claims asserted in the Complaint are barred by the doctrine of
8 waiver, laches and/or estoppel.

9 **THIRD AFFIRMATIVE DEFENSE**

10 60. Defendants have at all times acted in good faith and without
11 knowledge of any rights Plaintiff's may have in the claimed trademarks.

12 **FOURTH AFFIRMATIVE DEFENSE**

13 61. The claims asserted in the Complaint are barred by their corresponding
14 statute of limitations.

15 **FIFTH AFFIRMATIVE DEFENSE**

16 62. Without admitting that the Complaint states a claim, there has been no
17 damage in any amount or manner by reason of any act alleged against Defendants
18 in the Complaint, and therefore, the relief prayed for in the Amended Complaint
19 cannot be granted.

20 **SIXTH AFFIRMATIVE DEFENSE**

21 63. Defendants have not infringed the respective trademarks under federal or
22 state law.

23 **SEVENTH AFFIRMATIVE DEFENSE**

24 64. Plaintiff's damages, if any, were not caused by Defendants.

25 **EIGHTH AFFIRMATIVE DEFENSE**

26 65. Plaintiff is barred in whole or in part by virtue of liability being upon
27 other individuals or entities over whom Defendants had no control or duty to
28 control.

NINTH AFFIRMATIVE DEFENSE

66. The claims asserted in the Complaint are barred by Plaintiff's unclean hands and wrongful conduct.

TENTH AFFIRMATIVE DEFENSE

67. This Court lacks personal jurisdiction over Defendants.

ELEVENTH AFFIRMATIVE DEFENSE

68. Venue in this judicial district is not proper.

ADDITIONAL DEFENSE

69. Defendants reserve the right to assert additional defenses based on information learned or obtained during discovery.

WHEREFORE, Defendants demand judgment:

- a. Dismissing all of Plaintiff's claims with prejudice;
- b. Granting the Defendants any such other and further relief as the Court finds just and proper.

Respectfully submitted,
SCHEWE & ASSOCIATES

Dated: June 14, 2012

By: /s/
Edward C. Schewe
Attorneys for Defendants
ONE CLICK ENTERPRISES 1, INC. and
IGOR ZOMIN, JR.

Of Counsel:

DEMAND FOR JURY TRIAL

Respectfully submitted,
SCHEWE & ASSOCIATES

By: /s/
Edward C. Schewe
Attorneys for Defendant
**ONE CLICK ENTERPRISES 1, INC. and
IGOR ZOMIN, JR.**

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